

The Honorable John H. Chun

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States of
America, et al.,

Defendants.

NO. 2:25-cv-00602-JHC

DECLARATION OF GREG KIMSEY

I, Greg Kimsey, declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge

2. I have served as the Clark County auditor since 1999. As auditor, I am the official in charge of administering elections for Clark County, which is the 5th most populous county in Washington. There are over 345,000 registered voters in Clark County.

3. I have read and am familiar with federal and state laws related to elections, including the provisions of the National Voter Registration Act and the Help America Vote Act.

4. I have read Executive Order No. 14,248 and am familiar with its contents.

5. Under the executive order, county elections offices would be responsible for ensuring that documentary proof of citizenship (DPOC) was provided by the person wishing to

1 become registered to vote and indicating such documents were verified by the elections clerk on
2 the registration form.

3 6. I understand that the executive order limits “documentary proof of citizenship”
4 to U.S. passports, REAL ID Act-compliant identification documents that indicate U.S.
5 citizenship; military identification cards that indicate U.S. citizenship, and valid federal or state
6 government-issued photo identification that either indicates U.S. citizenship or is accompanied
7 by proof of U.S. citizenship.

8 7. My office has already received calls from voters who are confused and concerned
9 about the DPOC requirements. One elderly resident who contacted our office changed her name
10 when she married in Mexico 55 years ago. Her name on her now-expired passport is different
11 than the name she had at birth and she has been unable to obtain a certified copy of her marriage
12 certificate. If DPOC is required to register to vote, and she moves to another state or county she
13 will not be able to register to vote, even though she is a U.S. citizen.

14 8. Washington allows same-day voter registration. In Clark County, this takes place
15 at the Clark County Elections office in Vancouver, Washington. In the 2024 general election,
16 many voters came to the office on election day, including many people registering to vote. While
17 the voting center is open throughout the election period, voters are humans, and humans put
18 things off. Some people had to wait three and a half hours on election day. We recently
19 completed a \$5 million expansion of the Clark County Elections Office to be able to assist more
20 voters quickly.

21 9. If DPOC is required to register to vote, we will most likely have to open a second
22 voting center. This would require the significant expense of purchasing or renting a location and
23 hiring and training additional qualified staff for the second location.

24 10. In general, I support efforts that improve voter confidence in elections.
25 Washington participates in the Electronic Registration Information Center, a non-profit,
26 nonpartisan organization that allows state elections officials to prevent voter fraud and mistakes,

1 such as individuals who are registered in more than one state, either inadvertently or
2 intentionally. While the current system works very well, I support the policy of creating
3 databases that election officials can use to ensure that only eligible individuals are registered to
4 vote. That can increase voter confidence in elections and doesn't create additional burdens on
5 voters.

6 11. At the same time, I oppose efforts that make it harder to register to vote or cast a
7 ballot when those efforts don't actually improve the security of elections. We shouldn't create
8 unnecessary burdens on eligible citizens.

9 12. In my 27 years as county auditor, I have seen many challenges to voter
10 registrations. Some of those challenges have claimed that the voter is not a U.S. citizen, but in
11 those voter registration challenges, there has never been any evidence supporting that claim.

12 13. We have a tradition in Washington and in the United States of making voting
13 more accessible so that participation in our most important democratic process is increased.
14 Requiring DPOC is a significant change from that tradition.

15 14. I understand that the executive order interprets federal law to require that ballots
16 be received by election day, except for ballots from UOCAVA voters.

17 15. Washington State has a long history of accepting ballots after election day that
18 had been postmarked on or before election day. In Clark County, if this section would have been
19 in effect in the November 2020 election, over 3,000 ballots would not have been counted, and in
20 the November 2024 election 9,560 ballots, would have not been counted.

21 16. In Clark County, in the 2024 general election, there were four legislative offices
22 and one county office where the difference between the winner and the defeated opponent was
23 less than 9,560 votes. One legislative race was separated by just 173 votes. There was also one
24 countywide issue on that ballot that was decided by 340 votes. In Clark County, in the 2020
25 general election, there was one legislative office and four county offices where the difference
26 between the winner and the defeated opponent was less than 3,000 votes. There were also two

1 issues on that ballot which were decided by less than 3,000 votes. If properly voted ballots cast
2 by registered voters that were postmarked by election day or earlier had not been included in the
3 results for the 2020 and 2024 general election the results of these 10 candidate races and three
4 issues may have been different.

5 17. Following the executive order's interpretation of the ballot receipt deadline would
6 be very expensive for Clark County. For ballots received after election day, Clark County would
7 still have to count votes cast for state elections but not count votes for federal offices that are on
8 the same ballot. This would be a time-consuming and labor-intensive process. Teams of seasonal
9 election workers would have to copy the votes for states offices from the ballot received onto a
10 new ballot. In Clark County, we use two seasonal election workers to duplicate ballots and then
11 two seasonal election workers to proofread the duplicated ballot to be sure that the votes on the
12 duplicated ballot match the votes on the original ballot. Duplicating ballots takes two people
13 approximately 30 minutes for 20 ballots, proofreading those 20 duplicated ballots takes two
14 additional people another approximately 15 minutes. Duplicating and proofreading 9,560 ballots
15 would take approximately 360 labor hours. To accomplish this amount of duplication prior to
16 the election certification deadline would require hiring at least 8 additional seasonal election
17 workers who would each work approximately 45 hours. .

18 18. Rejecting ballots received after election day would also hurt voter confidence in
19 election results, especially if the rejected ballots primarily favored one candidate or issue over
20 the other. Voters expect us to count all valid ballots that were cast by election day. Voters would
21 be understandably upset if their ballots were rejected because of USPS delivery delays.

22 19. I understand that the executive order directs the Election Assistance Commission
23 (EAC) to amend its Voluntary Voting System Guidelines (VVSG) 2.0 to "provide that voting
24 systems should not use a ballot in which a vote is contained within a barcode or quick-response
25 code in the vote counting process except where necessary to accommodate individuals with
26 disabilities, and should provide a voter-verifiable paper record to prevent fraud or mistake."

1 20. I further understand that the executive order directs the EAC to review voting
2 systems and either re-certify voting systems under the amended guidelines or rescind previous
3 certifications. The executive order requires that this occur within 180 days.

4 21. Clark County uses Hart InterCivic's Verity Voting System 2.7.7 for its accessible
5 voting unit and to program the election, create, scan and adjudicate ballots and tabulate votes.

6 22. The Verity Voting System 2.7.7 that Clark County, along with many other
7 counties in Washington, currently uses would no longer be certified for use in federal elections.
8 I am not aware of any voting systems certified for use in Washington that would meet the
9 executive order currently. I believe that replacing our current system with a new system that is
10 certified to the VVSG 2.0 standard would cost approximately \$750,000. I base this estimate on
11 discussions with the vendor (Hart InterCivic). Hart InterCivic is currently testing a system to the
12 VVSG 2.0 standards and we anticipate that system being available for purchase in late 2025. I
13 do not know when or if Hart InterCivic will test a system to the VVSG 2.0 standards, as amended
14 to comply with the executive order.

15 23. In the event a voting system that is certified to the amended VVSG 2.0 standard
16 cannot be acquired to conduct an election we would need to either use our current system even
17 though the EAC decertified it or else count votes for each office and issue on each ballot by
18 hand.

19 24. Using a voting system that has been decertified by the EAC would undermine
20 voters' confidence in election results, even though that voting system would still accurately
21 record and count votes and had been certified by the Secretary of State. There are many voters
22 in Clark County, and elsewhere, who are skeptical regarding the integrity of the elections
23 administration process. Based on my past experience, the fact that the EAC decertified the voting
24 system would make voters in Clark County less likely to trust the accuracy of election results.

25 25. A manual count of an election would require a very large increase in the number
26 of election staff and amount of office space needed. It would be very difficult to conduct a

1 manual count of an election quickly enough to meet the certification deadlines required by law
2 and the certified results would be less accurate than the results provided by our current voting
3 system. My experience in conducting a manual audit for every election and primary since 2017
4 is the basis for these statements.

5 26. The manual audit consists of a hand count of the votes for a single office on
6 approximately 600 ballots. To conduct the manual audit, the ballots are sorted into groups that
7 are the same as what appears on the ballot: (1) one group for each candidate, (2) a group for
8 ballots where no ballot response position, and more than one ballot response position,
9 (“over/under” votes) was marked and (3) one group where a vote was cast for a “write in”
10 candidate. The results of the manual audit are compared to the results provided by the voting
11 system. Our manual audit results have always been the same as the voting system results. The
12 best test of the accuracy of our voting system is recount. The most recent recount was the Public
13 Lands Commissioner race in the 2024 Primary. In Clark County we recounted 136,974 ballots
14 and the net change in the vote for the seven candidates was one additional vote for one candidate.
15 The addition of this vote was determined to be necessary due to a mistake by an election worker,
16 not the voting system. Conducting the manual audit requires between eight and twelve people
17 and takes between 30 minutes and one hour. The number of people and the amount of time
18 required is a function of how many candidates are on the ballot for the office being recounted
19 and the accuracy of the hand counts. For about one of every four counts (i.e. the count of votes
20 for candidate A, the count of votes for candidate B, etc.), the two-person review team needs to
21 count the votes a second time before they get the same results for each count, about one of every
22 eight times there needs to be three counts.

23 27. It might be illuminating to use our experience conducting manual audits to
24 estimate what would be required to manually count all votes cast for all offices and issues on all
25 ballots cast in an election. In the 2024 general election in Clark County there were 31 offices on
26 the ballot and 13 issues. There were 278,851 ballots cast. There were ten candidates for U.S.

1 President on the ballot. In order to make an estimate of what would be required to conduct a
 2 manual count of the votes cast for an office I assume that the ballots would be sorted into votes
 3 for each candidate, over/under votes, and write in votes in groups of 600 and that each vote
 4 counting team would be required to count the votes on the 600 ballots twice (this is an unrealistic
 5 assumption, many times there would have to be three counts before the same count was arrived
 6 at). Using this assumption a manual count of votes cast in Clark County for the office of U.S.
 7 President in the 2024 general election would have required more than 800 people divided into
 8 teams of two people (278,851 ballots divided into groups of 600 results in 465 groups of two
 9 people) working for approximately one hour. Alternatively, if there were 50 people manually
 10 counting the votes for U.S. President it would take them approximately 16 hours. The average
 11 hourly cost for each person who would be counting votes would be approximately \$25.00

12 28. It would be very difficult to conduct a manual count of an entire election before
 13 it is required to be certified 21 days after election day. It is almost certain that a recount of the
 14 certified election results for an office would be much different than the certified results.

15
 16 I declare under penalty of perjury under the laws of the State of Washington and the
 17 United States of America that the foregoing is true and correct.

18 DATED this 21st day of MAY 2025.

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 GREG KIMSEY